

AO 440 (Rev 1/90) Summons in a Civil Action

United States District Court

SOUTHERN

NEW YORK

DISTRICT OF

MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, et al.,

Plaintiffs,

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER 07 CV

6600

YORK HUNTER INC., YORK HUNTER MANAGEMENT LLC,
KENNETH CALAO d/b/a YORK HUNTER MANAGEMENT LLC,
and KENNETH CALAO,

Defendants.

Judge Pauley

TO: (Name and Address of Defendant)

YORK HUNTER INC.
1372 BROADWAY, 17TH FLOOR
NEW YORK, NEW YORK 10018

YORK HUNTER MANAGEMENT LLC
1372 BROADWAY, 17TH FLOOR
NEW YORK, NEW YORK 10018

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

GORLICK, KRAVITZ & LISTHAUS, P.C.
17 STATE STREET, 4TH FLOOR
NEW YORK, NEW YORK 10004

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

J. MICHAEL McMAHON

JUL 23 2007

CLERK

DATE

BY DEPUTY CLERK

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and KENNETH CALAO,

Defendants.

TO: (Name and Address of Defendant)

KENNETH CALAO d/b/a/ YORK HUNTER MANAGEMENT LLC
1372 BROADWAY, 17TH FLOOR
NEW YORK, NEW YORK 10018

KENNETH CALAO
1372 BROADWAY, 17TH FLOOR
NEW YORK, NEW YORK 10018

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GORLICK, KRAVITZ & LISTHAUS, P.C.
17 STATE STREET, 4TH FLOOR
NEW YORK, NEW YORK 10004

20

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

MAILED 10/1/07

CLERK

DATE

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MASON TENDERS DISTRICT COUNCIL
WELFARE FUND, et al.,,
Plaintiff(s),

JUDGE PAULEY
Index No. 07 CV 6600

-against-
YORK HUNTER INC., et al.,
Defendant(s).

AFFIDAVIT OF SERVICE

-----X
STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

DARRYL A. GREEN, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 23rd day of August 2007, at approximately 9:05 p.m., deponent attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023. No answer was received when the doorman called the apartment. The doorman refused to confirm the name.

That on the 25th day of August 2007, at approximately 5:10 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 27th day of August 2007, at approximately 8:48 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 1st day of September 2007, at approximately 10:50 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023. The doorman told deponent that tenants are away for the weekend.

That on the 5th day of September 2007, at approximately 7:41 p.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 7th day of September 2007, at approximately 8:27 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment.

That on the 12th day of September 2007, at approximately 8:45 a.m., deponent again attempted to serve a true copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT AND JUDGES' RULES** upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, again no answer was received when the doorman called the apartment. The doorman refused access to post the papers on the door of Mr. Calao's apartment.

At that time, therefore, deponent served a true copy of the aforementioned papers upon Kenneth Calao d/b/a York Hunter Management LLC by personally delivering and leaving the same with, The doorman, a person of suitable age and discretion at that address, the actual place of residence. At the time of service, deponent asked if Kenneth Calao is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

The doorman is a black male, approximately 60 years of age, stands approximately 5 feet 8 inches tall and weighs approximately 160 pounds with gray hair and brown eyes.

That on the 12th day of September 2007, deponent served another true copy of the foregoing upon Kenneth Calao d/b/a York Hunter Management LLC at 20 West 64th Street, Unit 38B, New York, NY 10023, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid envelope with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.


DARRYL A. GREEN #0866535

Sworn to before me this
14th day of September, 2007


NOTARY PUBLIC

HOWARD DANIEL GOLDMAN
NOTARY PUBLIC - STATE OF NEW YORK
NO. 01GO5062405
QUALIFIED IN NEW YORK COUNTY
MY COMMISSION EXPIRES JULY 1, 2010